

Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The hearing on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in the following particulars, to-wit:

To amend the Use designation of Lots 8 to 14, both inclusive, Block 10, of Ridgetop Annex; Lots 8 to 14, both inclusive, Block 9, Ridgetop Annex; Lots 1 to 7, both inclusive, Block 15, Ridgetop Annex; and part of R. M. Hamby 5 acre tract located at the southeast corner of 45th and Red River Streets, in the City of Austin, so as to change same from "C" Commercial District to "A" Residence District

was then opened, in accordance with published notice thereof.

Petition of owners of property contiguous to East 45th Street and Red River Street, asking that the property lying on the east and west sides of Red River Street and extending from Poponoe Street on the north to Ellingson and Keasby Streets on the south be changed from Commercial "C" to Residence "A", was read.

Henry Faulk, Attorney, appeared in the interest of E. J. Honig, owner of property in this area, stating that said owner had entered into contract of sale for the purchase of his property under the present zoning and prior to the request for the change, and that the proposed use of the property would not be detrimental to its residential value.

After hearing all interested citizens, it was the sense of the Council that the matter be deferred for forty-five days from date hereof and if contract of sale is not consummated and application for building filed within this time, the matter then be acted on.

The Council then recessed.

Attest:

Hallie McMiller
City Clerk

Approved:

Tom Miller
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, April 11, 1935.

The meeting was called to order at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Minutes of the regular meetings of March 28th and April 4th were read and upon motion of Councilman Wolf were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN

THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and Councilman Wolf moved a suspension of the rule and the placing of the ordinance on its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Alford moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following resolution by the Board of Adjustment was read:

"WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin has referred to the Board of Adjustment for its consideration and report thereon a petition of J. M. Driver, 1304 Colita Street, requesting the change of the use designation of property now shown on the zoning maps of the City of Austin as commercial property, being Lot 4 (H), Block 92, from "B" Residential District to "C" Commercial District.

WHEREAS, the Board of Adjustment of the City of Austin, at its meeting held on March 28, 1935, have carefully considered the question of changing the use designation of this property from "B" Residential to "C" Commercial; and

WHEREAS, after viewing the property and carefully studying the conditions and developments surrounding this property and the effect of such change on such surrounding property and the general health, safety, morals and general welfare of the City of Austin;

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the single lot of the appellant from "B" Residential to "C" Commercial is not recommended but that all the property now zoned as "B" Residential on the west side of Sabine Street from the alley south of 8th Street to the south line of 9th Street, being single Lots 3, 4, 5, and 6 of Block 92, and lots 5 and 6 of Block 89, be changed from "B" Residential to "C" Commercial District for the following reasons:

1. That to change a single lot for the benefit of the owner would be inadvisable spot zoning, having doubtful legal sanction under the terms of the Ordinance.

2. That this property lies partly within the bed of Waller Creek and is undesirable for residential purposes.

3. That all the property to the west thereof and south thereof is now zoned for commercial purposes and that this property involves a quarter block and a half block in an otherwise commercial district.

4. That the construction of the City Market at the corner of 7th Street and East Avenue now renders this property more desirable and valuable for commercial purposes

5. That such change would not damage or adversely affect the surrounding property, but would now seem to be the proper use designation of this property.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,
Chairman. "

Councilman Wolf moved that a public hearing be held at the City Hall on Thursday, May 2, 1935, at 11:00 A. M., on the proposal to amend the Zoning Ordinance so as to change the property on the west side of Sabine Street from the alley south of 8th Street to the south line of 9th Street, being single Lots 3, 4, 5, and 6 of Block 92, and Lots 5 and 6 of Block 89, from Residence "B" District to Commercial "C" District, and

that notice of such hearing be completed by publication, as required by the terms of said Zoning Ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be, and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line in CARRANZA STREET from Perdenales Street easterly to the City limits, the centerline of which pole line shall be 8 feet north of and parallel to the south line of said Carranza Street.

(2) A telephone pole line in CHICON STREET from Manor Road to 21st Street, the centerline of which pole line shall be 8 feet east of and parallel to the west line of Chicon Street.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager, and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in LELAND STREET, beginning at a point 20 feet south of and 15 feet east of the intersection of the north line of Leland Street and the west line of Brackenridge Street;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 20 feet south of and parallel to the north line of Leland Street, to a point that is 73 feet east of the east line of Brackenridge Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in BRACKENRIDGE STREET, beginning at a point 20 feet south of and 15 feet east of the intersection of the north line of Leland Street and the west line of Brackenridge Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 15 feet east of and parallel to the west line of said Brackenridge Street, to a point that is 96 feet south of the south line of Leland Street.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days

before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report and resolution were read:

"Austin, Texas
April 10, 1935.

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of M. H. Crockett for permission to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and commercial driveways in conjunction therewith upon property abutting the east side of South Congress Avenue and situated between Miller Street and Riverside Drive, which property is a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District on the zoning maps of the City of Austin.

The drainage from this filling station should be concentrated into a seep well located upon the property of the applicant.

We recommend that M. H. Crockett be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and commercial driveways in conjunction therewith, subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.
- (2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.
- (3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant or shall be concentrated into a seep well located upon the property of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.
- (4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-48.
- (5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-48 and shall be of the pre-moulded type.
- (6) That before use of said station the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral, City Engineer
Lewis M. Hamby, Building Inspector. "

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property abutting the east side of South Congress Avenue and being situated between Miller Street and Riverside Drive, which property is owned by M. H. Crockett and is designated as a portion of the Isaac Decker League within the City limits of the City of Austin, Travis County, Texas, and hereby authorizes the said M. H. Crockett to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, sidewalks and commercial driveways in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said M. H. Crockett has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Upon motion of Councilman Gillis, the resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

M. R. Otto appeared before the Council relative to the appointment of an assistant plumbing inspector. Upon the recommendation of the City Manager, it was the sense of the Council that no additional help in this department be employed at the present time.

Dr. P. E. Suehs, owner of adjacent property, entered a protest against the proposed gasoline filling station on Guadalupe Street between 13th and 14th Streets, claiming that it would greatly damage the value of his property for apartment usage.

There being no further business, it was moved by Councilman Wolf, seconded by Councilman Alford, that the Council recess subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 11:30 A. M.

Approved: _____

Tom Miller
M a y o r .

Attest:

Hattie McKeen
City Clerk